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Attorneys for Defendants Matthew Scott Jacobs and
Franklin United, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MARIT HAMMICK,

Case No. 3:19-cv-00200

Plaintiff,

v.

**DEFENDANTS' NOTICE OF
REMOVAL**

MATTHEW SCOTT JACOBS and
FRANKLIN UNITED, INC., an Idaho
corporation,

JURY TRIAL DEMANDED

Defendant.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, § 1446, and § 1332(a),
Defendants Matthew Scott Jacobs and Franklin United, Inc. ("Defendants") remove this action
from the Circuit Court of the State of Oregon for the County of Multnomah to the United States
District Court for the District of Oregon, Portland Division.

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RELEVANT FACTS

On January 23, 2019, Plaintiff served Defendants with a Summons and Complaint captioned *Marit Hammick vs. Matthew Scott Jacobs and Franklin United, Inc.* Case No. 19CV02046, filed in the Circuit Court for the State of Oregon for the County of Multnomah. *See* Declaration of Jessica Lancaster (“Lancaster Decl.”), ¶2. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. *Id.* These documents, taken together, constitute all process, pleadings, and orders served on Defendant in that action up to the present date. *Id.*

GROUND FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principal claims for relief against Defendants exceed \$75,000. Plaintiff seeks damages of \$875,000.00. Complaint ¶8-10.

2. Plaintiff and Defendants are residents of different states. Plaintiff resides in Oregon. *See* Complaint ¶2. Defendant Franklin United, Inc. is headquartered and has its principal place of business in Twin Falls, Idaho. Lancaster Decl., ¶3; *see also* Defendant’s Corporate Disclosure Statement (being filed concurrently). Defendant Matthew Scott Jacobs is a resident of and lives in Nampa, Idaho. Lancaster Decl., ¶4; *see also* Exhibit C Proofs of Service. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Defendants. A

copy of the Affidavit of Service provided by Plaintiff is attached hereto as Exhibit C. Lancaster Decl., ¶2.

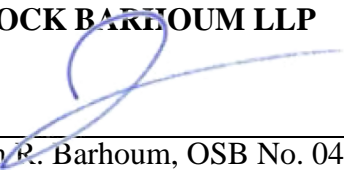
4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Multnomah as of the date of this removal other than outlined herein.

5. Counsel for Defendants will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants pray that this action be removed from the Circuit Court for the State of Oregon for the County of Multnomah and placed on the docket of the United States District Court for the District of Oregon in the Portland Division.

Dated this 8th day of February, 2019.

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UNITED STATES DISTRICT COURT
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MARIT HAMMICK,

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Plaintiff,

v.

CERTIFICATE OF SERVICE

MATTHEW SCOTT JACOBS and
FRANKLIN UNITED, INC., an Idaho
corporation,

Defendant.

I hereby certify that a true copy of the foregoing **DEFENDANTS' NOTICE OF
REMOVAL** was served on:

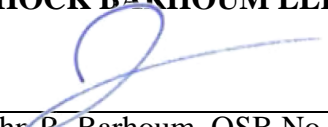
Willard E. Merkel
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Attorneys for Plaintiff

- ☐ By hand delivery
- ☒ By first-class mail*
- ☒ By electronic service through ECF
system as identified on the Notice
of Electronic Filing (NEF)
- ☐ By facsimile transmission
Fax #: (503) 222-4461
- ☐ By e-mail:
wmerkel@merkelassoc.com

*With first-class postage prepaid and deposited in Portland, Oregon.

DATED this 8th day of February, 2019.

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